IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4772 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHAMBHUBHAI MASHRUBHAI RABARI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 4772 of 2000

MR PK JANI for Petitioners No. 1-5

MR PANCHOLI Ld. APP for Respondent No. 1

MR BG JANI for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 21/02/2002

ORAL JUDGEMENT

Heard Mr. Unwala learned counsel for petitioner, Mr. BG Jani learned counsel for respondent no. 2 and Mr.

Pancholi learned APP for respondent no. 1-State.

This court can ably pass number of comments qua the facts reflected in the complaint and the copy of Hindu Marriage Petition produced by the petitioner, but without going into the merits of the petition, as the learned counsel for the parties have not pressed for reasoned order, the proceedings against the petitioners no. 2 to 5 are turned down and the complaint being Criminal Case No. 2011 of 1999 against them is quashed and set aside and the proceedings initiated on the strength of the filing of the charge-sheet against petitioners no. 2 to 5 automatically goes and the proceedings shall remain as it is against petitioner no. 1 only. Rule is made absolute qua petitioners no. 2 to 5 only.

However, considering the consisting allegations of cruelty against the petitioner no. 1, the prayer to quash the complaint made by the petitioner no. 1 is not acceptable. Mr. Unwala learned counsel for the petitioner has fairly submitted that without going into the merits of the case and by reserving the liberty to raise all contentions, the petitioner no. 1 may be permitted to withdraw this petition. Permission granted. Hence, this petition qua petitioner no. 1-Shambhubhai Mashrubhai Rabari is dismissed as withdrawn. Rule is discharged qua petitioner no. 1.

(C.K. BUCH, J.)
mandora/